

REMARKS

Claim 18 has been amended. A new claim 26 depending from claim 18 has been added. A new independent claim 27, and claims 28 – 30 depending therefrom, have been added. Claims 10 – 30 are pending in the application.

In the Office Action, claims 10, 11, 18, and 19 are provisionally rejected on the grounds of obviousness-type double patenting as being unpatentable over claims 8 – 19 of copending Application No. 10/603,531. Also, in the Office Action, claims 10 and 11 are rejected under 35 U.S.C 102(b) as being anticipated by US Patent No. 4,783,271 to Silverwater. Additionally, in the Office Action, claim 18 is rejected under 35 U.S.C 103(a) as being unpatentable over US Patent No. 5,904,163 to Inoue et al in view of US Patent No. 5,554,284 to Bartelt et al. Moreover, in the Office Action, claim 19 is rejected under 35 U.S.C 103(a) as being unpatentable over US Patent No. 5,904,163 to Inoue et al in view of US Patent No. 5,554,284 to Bartelt et al as applied to claim 18, and further in view of US Patent No. 4,783,271 to Silverwater. Furthermore, in the Office Action, claims 12 – 17 and 20 – 25 are indicated as allowable if appropriately rewritten.

With respect to the provisional rejection of claims 10, 11, 18, and 19 on the grounds of obviousness-type double patenting as being unpatentable over claims 8 – 19 of copending Application No. 10/603,531, Applicant is willing to submit a terminal disclaimer as appropriate to limit any patent issuing on the present application to be co-terminous with any patent that may issue embodying claims 8 – 19 of copending Application No. 10/603,531.

With respect to the rejection of claims 10 and 11 under 35 U.S.C 102(b) as being anticipated by US Patent No. 4,783,271 to Silverwater, the rejection of claim 18 under 35 U.S.C 103(a) as being unpatentable over US Patent No. 5,904,163 to Inoue et al in view of US Patent No. 5,554,284 to Bartelt et al. Moreover, in the Office Action, and the rejection of claim 19 under 35 U.S.C 103(a) as being unpatentable over US Patent No. 5,904,163 to Inoue et al in view of US Patent No. 5,554,284 to Bartelt et al as applied to claim 18, and further in view of US Patent No. 4,783,271 to Silverwater, Applicant respectfully traverses these rejections of claims 10, 11, 18, and 19 in view of the following comments.

It is submitted that none of the cited references teach or disclose the filter recited in claim 10, either alone or in combination with one another, and it is further submitted that none of the cited references teach or disclose the filter recited in claim 18 as currently amended, either alone or in combination with one another. For example, none of the cited references teach or disclose a filter having, as recited in each of claims 10 and 18 as currently amended, "filter opening passage cross-sections vary automatically in response to a variable inherent in the medium passing therethrough."

Applicant also respectfully submits that new claim 26, which ultimately depends from claim 18 as currently amended, and new claims 27 – 30, patentably define over the prior art of record. Thus, Applicant submits that claims 10 - 30 are now in condition for allowance and early action toward that end is respectfully requested.

Respectfully submitted

A handwritten signature in black ink, appearing to read "Russell W. Warnock", with a stylized flourish at the end.

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